

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SHAKIEM JOHNSON

Plaintiff,

-against-

1:20-CV-0764 (LEK/CFH)

MICHAEL J. FARGIONE, *et al.*,

Defendants.

---

**DECISION AND ORDER**

**I. INTRODUCTION**

Pro se plaintiff Shakiem Johnson filed a 42 U.S.C. § 1983 action against Detective Michael J. Fargione, Detective Jason J. Kelleu, Officer Abrams, Officer Regan, Officer Gorleski, and Officer Plante. Dkt. No. 1 (“Complaint”). On February 17, 2021, the Honorable Christian F. Hummel, United States Magistrate Judge, recommended that Plaintiff’s Complaint be dismissed with prejudice. Dkt. No. 13 (“Report-Recommendation”). For the reasons that follow, the Court adopts the Report-Recommendation in its entirety.

**II. BACKGROUND**

The facts are detailed in the Report-Recommendation, familiarity with which is assumed. See R. & R. at 4–5.

**III. STANDARDS OF REVIEW**

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or

specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir. 2014). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b).

#### IV. DISCUSSION

Plaintiff did not file objections to the Report-Recommendation. See Docket. Consequently, the Court reviews the Report-Recommendation for clear error and finds none. Therefore, the Court adopts the Report-Recommendation in its entirety.

#### V. CONCLUSION

Accordingly, it is hereby:

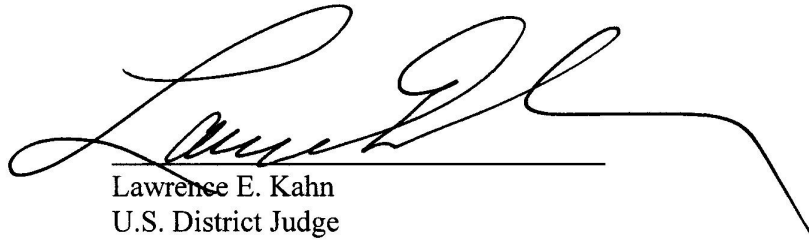
**ORDERED**, that the Report-Recommendation (Dkt. No. 13) is **APPROVED and ADOPTED in its entirety**; and it is further

**ORDERED**, that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED with prejudice**; and it is further

**ORDERED**, that the Clerk serve a copy of this Decision and Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: April 14, 2021  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge